

The Legal Aid Society of Palm Beach County:
THE FAIR HOUSING PROJECT

**FAIR HOUSING PROTECTIONS FOR
DOMESTIC VIOLENCE VICTIMS**

THE FACTS

- In 2005, there were 120,386 reported incidents of domestic violence in Florida.
- In 2005, there were 6,416 reported incidents of domestic violence in Palm Beach County.
- Since most victims of domestic violence are women, women are more likely to be treated differently than men in the housing context.

DOMESTIC VIOLENCE

Florida Law defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any other criminal offense resulting in physical injury or death of one family or household member by another.

Domestic violence can be emotional, sexual, physical, economical, or psychological in nature. The most common type of domestic violence is physical.

FAIR HOUSING ACT

The Fair Housing Act is a federal law that prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

Additionally, Palm Beach County prohibits discrimination in housing based on sexual orientation, age, and marital status.

WHAT ARE MY HOUSING RIGHTS AS A VICTIM OF DOMESTIC VIOLENCE?

- **RIGHT TO EXERCISE RIGHTS UNDER FAIR HOUSING ACT**

Since most victims of domestic violence are women, women are more likely to be treated differently than men in the housing context. You have the right to not be treated differently because of your sex. Additionally, your landlord may not enforce rules or policies (example: Zero Tolerance Policy) that have a discriminatory effect on female victims of domestic violence. There are two main areas of concern for domestic violence victims under the Fair Housing Act:

- **Refusal to Rent to a Victim of Domestic Violence**

- A Landlord may be violating Federal, state, and local laws by refusing to rent to a female victim on the basis that she is a victim of domestic violence. Although it is common practice for a landlord to conduct criminal and other screening reports on prospective tenants, the landlord must be careful not to refuse a prospective tenant based solely on her past or current status as a victim of domestic violence. As long as the victim can provide proof or evidence that she was the victim of domestic violence, the landlord may not discriminate against the victim on this basis. Proof *may* include but is not limited to: police report, court records, written statement from a victim services provider, attorney, and/or medical professional that has assisted the victim with the domestic violence incident.

- **Eviction and Termination of Tenancy**

Your landlord should not seek eviction or termination of tenancy based on the conduct of the abuser. Although there are no specific defenses available under the Florida Landlord-Tenant Act (Florida Statutes Chapter 83) for tenants who are victims of domestic violence, the Fair Housing Act may be used as a defense to show that the landlord's decision to terminate a victim's tenancy is based on sex discrimination.

- **RIGHT TO EXERCISE RIGHTS UNDER VIOLENCE AGAINST
WOMEN ACT (VAWA)**

The Violence Against Women Act of 2005 (VAWA) was enacted to strengthen federal protections for victims of domestic violence. VAWA impacts victims of domestic violence who reside in federal public housing or receive Section 8 housing assistance in the following ways:

- Victims of domestic violence may not be evicted solely because they are the victim.

- A victim of domestic violence can not be denied admission or housing assistance from a federal public housing authority program based solely on their status as a victim.
- Creates an exception to the application of the “One Strike Policy.” Public housing authorities may not use an incident of actual or threatened domestic violence as the only justification for terminating the victim’s public housing assistance or Section 8 voucher.

STEPS YOU CAN TAKE TO PROTECT YOUR HOUSING RIGHTS AS A VICTIM OF DOMESTIC VIOLENCE:

- **Secure Yourself and Family**—Report abuse to the **police** and seek assistance from a **domestic violence shelter or social service provider**.
- **Know Your Rights!** Discrimination against domestic violence victims in housing threatens the batter woman’s chance to make a successful transition from victim to survivor. Don’t be victimized again.
- **Take the Necessary Steps to Freedom from Abuse**—
 - **Request a Transfer**—If you live in a multi-unit complex, request a transfer to another unit or building (depending on availability).
 - **Request to “port” your voucher**—If you receive housing assistance under the Section 8 Housing Program, you may request to “port” your voucher to another housing authority in a different jurisdiction to prevent imminent harm to yourself or your family.
 - **Request for Continuation of Services or Assistance**—If you receive Section 8 assistance, you should ensure that your housing authority continue your assistance uninterrupted.

For more information on your rights, please contact:

Legal Aid Society of Palm Beach County

Fair Housing Project
423 Fern Street Suite 200
West Palm Beach, FL 33401
Phone: (561) 655-8944
Fax: (561) 655-5269
www.legalaidpbc.org